

AES:LHE/JAM
F. #2018R01064

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ JUL 15 2020 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----- X

LONG ISLAND OFFICE

UNITED STATES OF AMERICA

SUPERSEDING
INDICTMENT

- against -

MICHAEL COHN,

Defendant.

Cr. No. 19-097 (S-2) (GRB)
(T. 18, U.S.C., 641, §§ 981(a)(1)(C),
982(a)(2), 982(b)(1), 1030(a)(2)(B),
1030(c)(2)(B)(i), 1030(i)(1), 1030(i)(2),
1512(c)(2), 1905, 2 and 3551 et seq.;
T. 21, U.S.C., § 853(p); T. 28, U.S.C.,
§ 2461(c))

----- X

THE GRAND JURY CHARGES:

COUNT ONE
(Obstruction of Justice)

1. In or about and between August 2018 and February 2019, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant MICHAEL COHN, together with others, did knowingly, intentionally and corruptly obstruct and impede, and attempt to obstruct and impede, an official proceeding, to wit: an investigation conducted by the United States Securities and Exchange Commission ("SEC").

(Title 18, United States Code, Sections 1512(c)(2), 2 and 3551 et seq.)

COUNT TWO
(Theft of Public Property)

2. In or about and between September 2018 and December 2018, both dates being approximate and inclusive, within the Eastern District of New York and

elsewhere, the defendant MICHAEL COHN did knowingly, willfully and without lawful authority embezzle, steal, purloin and convert to his own use records and things of value of the United States and of a department or agency thereof, to wit: information regarding an investigation conducted by the SEC's Division of Enforcement belonging to the SEC, the aggregate value of which exceeded \$1,000.

(Title 18, United States Code, Sections 641 and 3551 et seq.)

COUNT THREE

(Obtaining Information from a Government Computer)

3. In or about and between September 2018 and October 2018, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant MICHAEL COHN did knowingly and intentionally access, and attempt to access, one or more computers without authorization and exceed authorized access, and thereby did obtain information from a department and agency of the United States, to wit: the SEC, for purposes of commercial advantage and private financial gain.

(Title 18, United States Code, Sections 1030(a)(2)(B), 1030(c)(2)(B)(i) and 3551 et seq.)

COUNT FOUR

(Unauthorized Disclosure of Confidential Information)

4. In or about and between September 2018 and December 2018, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant MICHAEL COHN, being an employee of the SEC, did knowingly and intentionally publish, divulge, disclose and make known information coming to him in the course of his employment and official duties, which information concerned and related to the processes and operations of the SEC, to wit: information regarding an investigation

conducted by the SEC's Division of Enforcement, in a manner and to an extent not authorized by law.

(Title 18, United States Code, Sections 1905 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION AS TO COUNTS ONE AND TWO

5. The United States hereby gives notice to the defendant that, upon his conviction of either of the offenses charged in Counts One and Two, the government will seek forfeiture in accordance with Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), which require any person convicted of such offense to forfeit any property, real or personal, constituting, or derived from, proceeds obtained directly or indirectly as a result of such offense.

6. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 981(a)(1)(C); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

CRIMINAL FORFEITURE ALLEGATION AS TO COUNT THREE

7. The United States hereby gives notice to the defendant that, upon his conviction of the offense charged in Count Two, the government will seek forfeiture in accordance with Title 18, United States Code, Sections 982(a)(2) and 1030(i)(1), which require any person convicted of such offense to forfeit any property constituting, or derived from, proceeds obtained directly or indirectly as a result of such offense, and such person's interest in any personal property that was used or intended to be used to commit or to facilitate the commission of such offense.

8. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;


it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Sections 982(b)(1) and 1030(i)(2), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 982(a)(2), 982(b)(1), 1030(i)(1) and 1030(i)(2); Title 21, United States Code, Section 853(p))

A TRUE BILL



FOREPERSON



SETH D. DUCHARME
ACTING UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

INFORMATION SHEET


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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U.S. DISTRICT COURT E.D.N.Y.
★ JUL 15 2020 ★
LONG ISLAND OFFICE

1. Title of Case: United States v. Michael Cohn
2. Related Magistrate Docket Number(s): 19-CR-097 (GRB)
3. Arrest Date: 2/28/2019
4. Nature of offense(s): ☒ Felony
☐ Misdemeanor
5. Related Cases - Title and Docket No(s). (Pursuant to Rule 50.3.2 of the Local E.D.N.Y. Division of Business Rules): _____
6. Projected Length of Trial: Less than 6 weeks ☒
More than 6 weeks ☐
7. County in which crime was allegedly committed: Nassau
(Pursuant to Rule 50.1(d) of the Local E.D.N.Y. Division of Business Rules)
8. Was any aspect of the investigation, inquiry and prosecution giving rise to the case pending or initiated before March 10, 2012.¹ ☐ Yes ☒ No
9. Has this indictment/information been ordered sealed? ☒ Yes ☒ No
10. Have arrest warrants been ordered? ☐ Yes ☒ No
11. Is there a capital count included in the indictment? ☐ Yes ☒ No

SETH D. DUCHARME
ACTING UNITED STATES
ATTORNEY

By: _____


Lauren Elbert/Artie McConnell
Assistant U.S. Attorneys
(718) 254-7150/7577

¹ Judge Brodie will not accept cases that were initiated before March 10, 2012.